

Amendment No. 2.

Amend H. B. No. 474 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. That in all cases where settlers' claims made under the Act of August 26, 1856, opening for settlement the MEP&P Reservation, were filed in the Land Office August 31, 1858, including the affidavit of settlement and field notes and the survey has been passed correct upon the map of the county in which situated, but proof of three years' occupancy has not been made, provided that use and occupancy can be shown for a period of twenty-five years prior to the passage of this Act; such settlers' claims are hereby validated, and the Commissioner of the General Land Office is authorized and required to issue patent to the same in the name of the original grantee on the payment of the fees provided by law, such patent to insure to the benefit of the lawful owners of the land.

"Section 2. That there is hereby validated the title of C. F. Reneau, his heirs and assigns, to 93-4/10ths acres of land by virtue of Certificate No. 16, issued by J. M. Simpson, Chief Justice of Upshur County on the 22nd day of June, 1857, and surveyed by the County Surveyor on June 9th, 1858, and patent shall issue upon compliance with the provisions hereof.

"Section 3. If any section, or part thereof, be held invalid, it is hereby declared to be the legislative intent that the remaining part of this Act will have been passed without such invalid section or part thereof.

"Section 4. Owing to the fact that there are many preemption surveys and settlers' claims on which the originals neglected to take out patents or failed to make proof of occupancy within the time required by law, and that heirs of pre-emptors who lost their lives in the Confederate Army have not been in position to make such proof, and that the lands so involved have been held in good faith by the original pre-emptors or their assignees for a great many years, and that as the proof of occupancy required by law cannot be made at this time, their ti-

ties are in jeopardy, creates an imperative public necessity requiring the Constitutional Rule which provides that all bills be read on three several days should be suspended and is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

FIFTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,
April 9, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
ONeal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Bills and Resolutions.

(See Appendix.)

By an affirmative vote of four-fifths of the membership of the Senate, the Constitutional Rule relating to the introduction of General Bills during the last 90 days of the session was suspended and consent was granted to introduce the following Bill:

By Senator Parr:

S. B. No. 589, A bill to be entitled "An Act providing that the Legisla-

ture shall make appropriations for the compensation of the members of the Board of Water Engineers and fix such compensation, and repealing Article 7482 of the Revised Civil Statutes, 1925; amending Article 7485 of the Revised Civil Statutes so as to provide for the fixing of the compensation of the Secretary of said Board; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Woodul:

S. B. No. 590, A bill to be entitled "An Act to amend Section 24, Chapter 17, Acts of the 33rd Legislature, as amended, on the Harris County Road Law, by providing that the Commissioners' Court shall have the right to employ a competent engineer as County Engineer, fixing the term of his office, his salary and duties; and by providing that such Engineer shall have supervision over the expenditure of all road and bridge funds and that he shall prepare plans and specifications by which contracts are let or work performed; and repealing all laws in conflict herewith; providing effective date hereof."

Read and referred to the Committee on State Highways and Motor Traffic.

By Senator Moore:

S. B. No. 591, A bill to be entitled "An Act authorizing the Governor on the recommendation of the State Highway Commission to convey title to land acquired by the State for highway purposes where after the acquisition thereof such land is no longer needed for such purposes because of a change in the route of such highway, or the abandonment thereof; authorizing the Governor to exchange one right-of-way for another; requiring the Highway Commission to fix the fair and reasonable value of such land; providing for the return of land donated to the State; making it the duty of the Attorney General to pass on the validity of such transfers; and declaring an emergency."

Read and referred to Committee on State Affairs.

Senator Excused.

On motion of Senator Hardin, Senator Holbrook was excused for the day on account of important business.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has postponed indefinitely

S. B. No. 199, A bill to be entitled "An Act making an appropriation restoring as a special fund an amount which has been converted into the general revenue fund, which was deposited in the State Treasury under an Act of Congress entitled An Act to reimburse the Governors of states and territories for expenses incurred by them in aiding the United States to raise and organize the Voluntary Army in the War with Spain, providing for the administration of said fund, and declaring an emergency."

S. B. No. 214, A bill to be entitled "An Act to provide for a permanent record of all marriages and divorces in the State of Texas; to prescribe the manner in which such records shall be preserved; to prescribe the duties of officials handling such records; to provide for a fund to maintain the Bureau of Vital Statistics and to provide for the manner in which such fund shall be handled; to prescribe such other requirements as may be necessary to secure a complete and permanent and perpetual record of every birth, death, marriage and divorce in the State of Texas; making the violation of any of the provisions of this Act a misdemeanor, and prescribing a punishment therefor; providing for the collection and disposition of fees; repealing all laws in conflict herewith; making an appropriation and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the house to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 197, A bill to be entitled "An Act giving to W. S. Hale and

wife, Mary D. Hale, consent of the Legislature to sue the State of Texas and State Highway Commission for damages resulting from the construction of State Highway No. 43 through Leon County, Texas, and declaring an emergency."

(With amendments).

S. B. No. 215, A bill to be entitled "An Act creating the Dallas State Hospital to be composed of the Dallas Psychopathic Hospital created by Article 3192 and the State Cancer and Pellagra Hospital created by Chapter 185, Acts of the Regular Session of the Forty-first Legislature, and such other institutions as may be created by the Legislature hereafter, and declaring an emergency."

S. B. No. 222, A bill to be entitled "An Act fixing the number and term of office of school trustees of independent districts having a population of more than 200,000 by the Federal census of 1930; adjusting the terms of trustees to conform to the provisions of this Act; providing for filing of all vacancies in office; repealing all laws in conflict herewith; and declaring an emergency."

(With amendments).

S. B. No. 578, A bill to be entitled "An Act to amend Article 591 of Chapter 2 of Title 8 of the Code of Criminal Procedure of Texas, Revision of 1925, as amended by Chapter 41 of the Acts of the Regular Session of the Forty-first Legislature of the State of Texas; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas April 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 252, A bill to be entitled "An Act prohibiting the taking, trapping, or killing any wild turkey, wild prairie chicken, or wild quail within the counties of Travis, Hays, Williamson or Caldwell for and during the period of three years from and after the taking effect of this act; prescribing a penalty, and declaring an emergency."

(With amendments.)

H. B. No. 278, A bill to be entitled "An Act providing for an open sea-

son of four days on prairie chicken except in certain counties; providing for a penalty for violation of this act; providing that all laws and parts of laws in conflict herewith shall be subject to the terms of this act, and declaring an emergency."

H. B. No. 787, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas, which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization, or where the city council, city, commission or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; making this act applicable only to counties having a population not exceeding 30,000, and declaring an emergency."

H. B. No. 898, A bill to be entitled "An Act prohibiting the hunting, taking or shooting of any wild deer in Coryell or Hamilton counties for five years, and fixing a penalty."

H. B. No. 907, A bill to be entitled "An Act fixing a period of time when it shall be lawful to take and hunt and kill squirrels in Panola county; defining a misdemeanor, and declaring an emergency."

H. B. No. 915, A bill to be entitled "An Act making it unlawful for any person in using a seine or net for the taking of any fish in Cass or Bowie counties to disturb, agitate or beat upon or in the waters at the time of using said seines or nets; fixing a penalty, and declaring an emergency."

H. B. No. 919, A bill to be entitled "An Act authorizing the county commissioners of certain described counties to receive out of the general fund of the county expenses for the operation and upkeep of automobiles not exceeding fifty dollars per month, and declaring an emergency."

(With amendments.)

H. B. No. 943, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring, killing or possessing of any wild quail of any species or any wild turkey, or either

of them, within the limits of the counties of Atascosa and Frio, State of Texas, for a period of five years from and after the passage of this act, etc., and declaring an emergency."

H. B. No. 956, A bill to be entitled "An Act relating to the performance of road duty in Wood county, Texas, and declaring an emergency."

H. B. No. 980, A bill to be entitled "An Act creating Liberty County Conservation and Reclamation District No. 3 under authority of Section 59, Article 16, of the Constitution, granting to said district the powers conferred by General Laws, providing that no election and no action by the commissioners court shall be necessary to authorize the creation of this district, providing for appointment of commissioners for said district, providing that all general laws concerning drainage and conservation and reclamation districts are applicable to said district, and declaring an emergency."

H. B. No. 986, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 683.

The Chair laid before the Senate on its third reading the following bill:

By Howsley, Burns of Walker, Greathouse, Holland, et al.:

H. B. No. 683, A bill to be entitled "An Act to provide that the State Highway Commission shall be authorized to require that all contracts for the construction, maintenance and improvement of any designated State highway shall contain a provision that no person will be employed by the contractor to perform manual labor in the course of such work at a wage of less than thirty cents per hour; fixing penalties; and providing for the enforcement of such contract, and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—19.

Berkeley.	Poage.
Cunningham.	Pollard.
Gainer.	Rawlings.
Greer.	Small.
Hardni.	Stevenson.
Loy.	Williamson.
Moore.	Woodruff.
Oneal.	Woodul.
Parrish.	Woodward.
Patton.	

Nays—9.

Beck.	Martin.
Cousins.	Parr.
DeBerry.	Russek.
Hopkins.	Thomason.
Hornsby.	

Absent.

Holbrook.	Purl.
Neal.	

Reason for Vote.

My vote against House Bill No. 683 was based upon the following good and sufficient reasons, to-wit:

1. The alleged bill is an incomplete law within itself.

2. It attempts to delegate legislative powers to the State Highway Commission.

3. It seeks to authorize the State Highway Commission to suspend the provisions of the Act itself.

In my opinion, it is clearly unconstitutional, and I could not conscientiously vote for it.

HORNSBY.

House Bills Referred.

H. B. No. 278 referred to State Affairs.

H. B. No. 898 referred to State Affairs.

H. B. No. 907 referred to State Affairs.

H. B. No. 915 referred to State Affairs.

H. B. No. 943 referred to State Affairs.

H. B. No. 252 referred to State Affairs.

H. B. No. 787 referred to Towns and City Corporations.

H. B. No. 956 referred to State Highways and Motor Traffic.

H. B. No. 980 referred to Mining, Irrigation and Drainage.

H. B. No. 919 referred to County and County Boundaries.

H. B. No. 986 referred to Educational Affairs.

H. C. R. No. 50 referred to State Affairs.

House Bill No. 81.

The Chair laid before the Senate on its second reading the following bill:

By Bond:

H. B. No. 81, A bill to be entitled "An Act amending Chapter 17 of the Thirty-ninth Legislature, page 44, also amending Article 5160, 5161, 5162, 5163 and 5164, Revised Civil Statutes of the State of Texas for 1925, providing that anyone contracting with the State of Texas, or its counties, or school districts, or other subdivisions or any municipality for or the prosecution and completion of the construction of public buildings any public work, they shall retain at least 50 per cent of the funds that may become due and owing on the contract until final completion of such contract; also providing that laborers, materialmen and those furnishing equipment shall have a lien, and also providing for security to be furnished by contractors, also providing that accounts for materials and labor shall be filed procedure for the enforcement of claims and liens, time to sue, prorating claims, and declaring an emergency."

The committee substitute was adopted.

Read second time.

Senator Woodward sent up the following amendments:

Amend committee substitute for H. B. No. 81 by adding at the end of sub-division F, Article 5160, Section 1 the following:

"Provided that if no such claim is filed within ninety (90) days, the failure to file the same shall not preclude such claimant from recovering against the surety company or from foreclosing lien on funds impounded, if he presecutes his cause of action as provided herein. Provided further, however, that all claimants filing their account within ninety (90) days shall be preferred over those not doing so."

WOODWARD.

Amendment No. 1.

Amend committee substitute for H. B. No. 81 by adding at the end of Section 6, the following:

"Chapter 17, Acts of the Regular Session of the 39th Legislature is expressly repealed."

Amendment No. 2.

WOODWARD.

Amend the caption of H. B. No. 81 by inserting before the words: "and declaring an emergency," the following:

"Repealing Chapter 17, Acts of the 39th Legislature, Regular Session."

WOODWARD.

Amendment No. 3.

On motion of Senator Woodward, the amendments were ordered printed in the Journal and the bill and the amendments were laid on the table subject to call.

House Bill No. 760.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 760, A bill to be entitled "An Act to amend Chapter 274, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 8, Acts of the Fortieth Legislature, First Called Session, relating to the offense of murder, providing additional procedure for instructing the jury upon the trial of the offense of murder, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 760 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Purl.

Read third time and finally passed
by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Parr.	

Nays—2.

Neal. Oneal.

Absent.

Purl.

Absent—Excused.

Holbrook.

House Bill No. 474.

The Chair laid before the Senate
on its second reading the following
bill:

H. B. No. 474, A bill to be entitled
"An Act to validate and confirm the
title to settlers' claims or preemption
surveys to the preemptors or their
assignees in all cases where proof of
three years' occupancy from the date
of filing of the application cannot be
made but use and occupancy for a
period of twenty-five years prior to
the passage of this Act can be shown
and to require the issuance of pat-
ents, and to declare an emergency."

The rule requiring Committee re-
ports to lie over 24 hours was sus-
pended by a two-thirds vote.

The committee substitute was
adopted.

The bill was read second time and
passed to third reading.

On motion of Senator Pollard the
constitutional rule requiring bills to
be read on three several days was
suspended and H. B. No. 474 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Purl.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Rawlings.
Greer.	Russek.
Hardni.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Purl.

House Bill No. 761.

The Chair laid before the Senate
on its second reading the following
bill:

H. B. No. 761, A bill to be entitled
"An Act to amend Article 1160,
Penal Code, 1925, relating to the
offense of assault with intent to
murder, and adding to Chapter 4,
Title 15, Penal Code of the State
of Texas, Article 1160a, providing
that upon the trial of one charged
with the offense mentioned there
shall be an instruction defining
malice aforethought and in a proper
case, murder without malice; fixing
the penalty for assault with intent
to murder without malice; repealing
all laws in conflict herewith and de-
claring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 761 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Nays—1.

Oneal.

Absent—Excused.

Holbrook. Purl.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Neal.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Rawlings.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Hopkins.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Nays—5.

Hornsby.	Parrish.
Oneal.	Russek.
Parr.	

Absent—Excused.

Holbrook. Purl.

House Bill No. 59.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Warwick:

H. B. No. 59, A bill to be entitled "An Act to amend Chapter 64 of the Acts of the Regular Session of the Thirty-fifth Legislature, page 123, relating to the salary of District attorneys, and amending Chapter 55 of the 'Acts of the Regular Session of the Thirty-fifth Legislature, page 94, relating to the appointment and compensation of assistants to district attorneys, and amending Article 1021 of the Code of Criminal Procedure of Texas relating to the per diem of district attorneys in all judicial districts composed of two or more counties and limiting the per diem to 230 days in any one year, etc., and declaring an emergency."

The committee report was adopted.

Read second time.

Senator Small sent up the following amendment:

Read and adopted.

Amend H. B. No. 59 by striking out all above the enacting clause and substituting in lieu thereof the following:

A BILL

To Be Entitled

An Act fixing the compensation of District Attorneys in districts of three counties of a certain population; providing for Assistant District Attorneys, Investigators, Senographers, and Law Enforcement Funds; providing the means, method and manner of paying the same, and their powers and duties; and declaring an emergency.

SMALL.

Amendment No. 1.

Amend H. B. No. 59 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. In any Judicial District composed of three counties, where the population of said counties totals not less than 56,001 nor more than 57,053, according to the last Federal Census, the District Attorney shall receive from the State of Texas as pay for his services the sum of Five Hundred (\$500.00) Dollars per annum, as provided for in the Constitution, and, in addition thereto, shall receive the sum of Three Thousand and Five Hundred (\$3,500.00) Dollars, where all commissions and fees of said Office amount to as much; said salary to be paid, however, in the same man-

ner as now provided for the Five Hundred (\$500.00) Dollars payment as fixed by the Constitution. All commissions and fees allowed District Attorneys by law, except in escheat cases, shall when collected be paid to the District Attorney of the Counties in which such fees and commissions were earned, who shall pay the same over to the State Treasurer.

"Sec. 2. Any such District Attorney is hereby authorized to appoint an Assistant District Attorney, who shall receive from and after March 1, 1931, as a salary the sum of Three Thousand (\$3,000.00) Dollars per annum, payable by the State of Texas monthly, and such Assistant shall be removable at the will of the District Attorney.

"Sec. 3. Any such District Attorney shall also be authorized to employ two additional Assistant District Attorneys with the consent of the County Judge of any county composing said district having the largest population of the three counties; one of whom shall receive a salary of not to exceed Three Thousand (\$3,000.00) Dollars per annum, and one of whom shall receive a salary of not to exceed Two Thousand Five Hundred (\$2,500.00) Dollars per annum, the same to be payable monthly, and said District Attorney is further authorized to employ a stenographer, with the consent of such County Judge, who shall be paid in the same manner not to exceed One Thousand Eight Hundred (\$1,800.00) Dollars per annum, and he may also employ two Investigators to be paid in the same manner, one not to exceed Two Thousand Four Hundred (\$2,400.00) Dollars per annum, and the other not exceeding Two Thousand (\$2,000.00) Dollars per annum; said last two named Assistants, Investigators and stenographer shall be paid by said counties in proportion to the respective populations of each by warrants drawn upon the general funds thereof.

"Sec. 4. Said Assistant District Attorneys shall have all the powers now authorized by law for Assistant District Attorneys, and all of said employees may be removed at will by the District Attorney.

"Sec. 5. Said counties shall each be authorized to pay not to exceed Six Hundred (\$600.00) Dollars per annum to the District Attorney for

expenses incurred by him in the preparation and conducting of criminal affairs of said Office, but which shall constitute no part of his salary; said funds to be expended on the sworn claim of the District Attorney, to be approved by the County Judge of the respective counties.

"Sec. 6. Should any section, or part thereof, be held unconstitutional, it is hereby declared that it is the legislative intent that the remaining part of this Act will have been passed without such invalid section or part thereof.

"Sec. 7. The fact that there is no law adequate providing adequate salaries for District Attorneys in and for the above defined districts, and there is no law providing for the deputies, assistants and stenographers for such districts, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted."

SMALL.

The amendment was read and adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. H. No. 59 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Holbrook.	Purl.
Oneal.	

Read third time and passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
Gainer.	Rawlings.
Greer.	Russek.
Hardni.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Nays—1.

DeBerry.

Absent—Excused.

Holbrook.	Purl.
Oneal.	

House Bill No. 820.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 820, A bill to be entitled "An Act to provide that counties having a population of not less than 325,700 and not more than 325,900 shall have the authority to establish, own and operate a parental home and school for the care and training of dependent and delinquent youth, providing for defraying the expenses thereof, the administration of said home, providing for the commitment of individuals, validating bonds issued for such purpose, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 820 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Stevenson.

Williamson.	Woodul.
Thomason.	Woodward.
Woodruff.	

Absent—Excused.

Holbrook.	Oneal.
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Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.

Nays—1.

DeBerry.

Absent—Excused.

Holbrook.	Neal.
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House Bill No. 7.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Duvall and Mr. Reader:

H. B. No. 7, A bill to be entitled "An Act regulating the practice of medicine; amending Article 4495 of the Revised Civil Statutes of 1925 so as to provide for the Texas State Board of Medical Examiners and for the appointment of the members of said board, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 7 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Hardin.
Cunningham.	Hopkins.
DeBerry.	Hornsby.

Loy.	Rawlings.
Martin.	Russek.
Moore.	Small.
Neal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Pollard.	Woodward.
Purl.	

Absent—Excused.

Holbrook. Oneal.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardni.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

House Bill No. 793.

On motion of Senator Patton, H. B.
No. 793 was laid on the table subject
to call.

House Bill No. 124.

The Chair laid before the Senate
on its second reading the following
bill:

By Mr. Wiggs:

H. B. No. 124, A bill to be entitled
"An Act to confirm and validate the
sale by the State, acting through the
Board of Regents of the University
of Texas of certain University lands
situated in Lamar County, Texas, re-
serving to the State the minerals in
said lands, and creating an emer-
gency."

The committee report was adopted.

The bill was read second time and
passed to third reading.

On motion of Senator DeBerry the
constitutional rule requiring bills to
be read on three several days was

suspended and H. B. No. 124 was put
on its third reading and final pas-
sage by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

House Bill No. 9.

The Chair laid before the Senate
on its second reading the following
bill:

By Mr. Savage:

H. B. No. 9, A bill to be entitled
"An Act defining fraternal benefit so-
cieties; providing a lodge system and
requiring a representative form of
government; prescribing the quali-
fications of membership therein, and
granting members right to designate
their own beneficiaries, etc., and de-
claring an emergency."

Read second time.

Senator Purl sent up the following
amendment:

Amend H. B. No. 9 by adding to the caption at the proper place—after the word "Benefits"—the following: "and providing for penalty and attorney's fees for failure to pay claims."

PURL.

Read and adopted.

The bill passed to third reading.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 9 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Absent—Excused.

Holbrook. Oneal.
Loy.

House Bill No. 13.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Fuchs, Mr. Johnson of Dimmit and Mr. Giles:

H. B. No. 13, A bill to be entitled "An Act to encourage and aid in the conservation of soil fertility in the counties of Texas, and to maintain the productiveness of agricultural lands for the production of essential foods and commercial crops upon which the public well being depends, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cunningham, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 13 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

House Bill No. 874.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 874, A bill to be entitled "An Act to authorize the selection of school depositories for independent districts in certain counties regardless of the population of said districts, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 874 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Nays—1.

DeBerry.

Absent—Excused.

Holbrook. Oneal.

House Bill No. 477.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Munson and Mr. Carpenter:

H. B. No. 477, A bill to be entitled "An Act to amend Article 6899a of Chapter 1, Title 121, of the Revised Civil Statutes of 1925, which was enacted at the Regular Session of the Forty-first Legislature, page 561, Chapter 273, so as to include Wharton County, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 477 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

Motion to Concur.

Senator Patton moved to concur in the House amendment to S. B. No. 197. The motion prevailed by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

H. C. R. No. 40.

The Chair laid before the Senate: H. C. R. No. 40, Relating to keeping of Johnson grass and other obnoxious weeds on highway shoulders from spreading to adjacent farm lands.

The committee report was adopted. The resolution was read and adopted.

House Bill No. 570.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Ramsey:

H. B. No. 570, A bill to be entitled "An Act providing a more efficient road law for Sabine County, Texas, authorizing the commissioners' court to refund the matured and unpaid principal and interest of its county-wise road bonds, dated January 1, 1918, by the issuance of refunding bonds in said amount, bearing interest at the same or a lower rate than the interest of said original bonds, providing for their maturities, for the levy of a tax in payment thereof, making this Act cumulative of all other laws applicable to said county in harmony with the provisions hereof, repealing all laws and parts

of laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Thomason, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 570 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

House Bill No. 571.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Ramsey:

H. B. No. 571, A bill to be entitled "An Act providing a more efficient

road law for Sabine County, Texas, authorizing the commissioners' court to refund the indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, making this Act cumulative of all other laws applicable to said laws in harmony with the provisions hereof, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Thomason, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 571 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

House Bill No. 656.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Bryant:

H. B. No. 656, A bill to be entitled "An Act to repeal an Act of the Thirty-third Legislature, First Called Session, 1913, being Senate Bill No. 22, creating a road system for Hall County."

The committee report, carrying an amendment, was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 656 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

Read third time and finally passed.

House Bill No. 744.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 744, A bill to be entitled "An Act repealing Chapter 86 of the Third Called Session of the Thirty-sixth Legislature, known as House Bill No. 164, and being a special road law for Blanco County, and providing that the general road laws of the State of Texas shall govern in Blanco County from the date of the passage of this Act with the following exceptions and additional provisions herein set out and providing for the refunding of indebtedness of Blanco County heretofore made and evi-

denced by warrants or certificates of indebtedness heretofore issued, and as such same shall be known as to the local road laws of Blanco County."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 744 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

House Bill No. 746.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 746, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than 12,500 and not more than 12,510, according to the United States census of 1920, and having an area of not less than 3,000 square miles, to allow the county judge and each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such judge and commissioner to pay the expense of operation and repair of each automobile used by him without further expense to the county, and declaring an emergency."

The committee report was adopted. The bill was read second time.

Senator Berkeley sent up the following amendments:

Amend H. B. No. 746, Section 1, by striking out of said section the words "and having an area of not less than three thousand square miles."

BERKELEY.

Read and adopted.

Amend H. B. No. 746, Section 1, line 7 of the bill by striking out six cents in lieu thereof insert eight cents.

BERKELEY.

Read and adopted.

On motion of Senator Berkeley, the bill was laid on the table subject to call.

House Bill No. 859.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 859, A bill to be entitled "An Act to repeal Chapter 97 of the Special Laws of the Thirty-ninth Legislature, and Chapter 30, Special Laws of the First Called Session of the Fortieth Legislature, being local road laws for the county of Wood, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Russek, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 859 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook.	Oneal.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook.	Oneal.
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Messages From the House.

The Chair recognized the "Door-keeper who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, April 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 37, A bill to be entitled "An Act to amend Article 1330, Revised Civil Statutes of 1925, and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 301, A bill to be entitled "An Act amending Article 3293 by adding thereto Article 3293a, providing for the appointment of an administrator for a person, where it is necessary that such be appointed, to receive funds or money due such person from the Federal Government; fixing venue and the grounds therefor; providing for the giving of notice; and declaring an emergency."

(With amendments.)

S. B. No. 229, A bill to be entitled An Act to amend Article 722 of the Revised Civil Statutes of the State of Texas of 1925, providing that the issuance of certain county bonds shall be based upon and limited by the taxable values of the county, and declaring an emergency."

S. B. No. 241, A bill to be entitled "An Act to amend Title 23 of the Revised Civil Statutes of Texas of 1925, entitled "Brands and Trade-marks," by adding thereto Articles 851-A and 851-B providing for the cancellation of the filing of and withdrawal from registration, by the Secretary of State, labels, trade-marks, designs, devices, imprints or forms of advertisement heretofore or hereafter filed in accordance with Article 851 of the Revised Civil Statutes of Texas of 1925, and providing for the registration of similar or identical labels, trade-marks, designs, devices, imprints or forms of advertisement by others; and declaring an emergency."

S. B. No. 269, A bill to be entitled "An Act amending Article 522, Revised Civil Statutes of the State of Texas for 1925, providing for a landlord's lien upon the properties and crops of a tenant for rents and advances; also upon the crops of the tenant where the landlord furnishes everything and the tenant furnishes the labor to make the crop."

S. B. No. 283, A bill to be entitled "An Act to authorize the Board of Regents of the University of Texas to invest the University Permanent Fund, to borrow money for named purposes in specified amounts and to issue bonds therefor, to sell designated securities belonging to the

Permanent University Fund, and to re-invest same; and declaring an emergency."

(With amendments.)

S. B. No. 268, A bill to be entitled "An Act defining certain offenses; providing for penalties, defining terms used in this Act; providing for the repeal of conflicting statutes; providing for the separability of the provisions of this Act; enacting all necessary provisions incidental to the general purpose of the Act, and declaring an emergency."

(With amendments.)

H. B. No. 932, A bill to be entitled "An Act authorizing the county boards of certain counties to set aside an amount not to exceed \$600 to defray the expenses of the county superintendent and the county board of trustees in the administration of scholastic affairs, repealing all laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Referred.

H. B. No. 932 referred to Committee on Educational Affairs.

Simple Resolution No. 102.

Senator Parr sent up the following resolution:

Whereas, H. B. 725 has been, by concurrent Resolution of the House and Senate, recalled from the Governor for further consideration, and

Whereas, said House Bill 725 is now with the Chief Clerk of the House,

Now, Therefore, the Senate of Texas, requests the House of Representatives to remove the signatures of the House Officers from said bill and to return said H. B. 725, to the Senate for further consideration.

PARR.

Read and adopted.

House Bill No. 865.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 865, A bill to be entitled "An Act authorizing the commissioners court of Jack County, Texas, to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax

in payment thereof, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several day was suspended and H. B. 865 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook. Oneal.

House Bill No. 185.

The Chair laid before the Senate on its second reading the following bill:

By Messrs. Metcalfe, Cunningham, Johnson of Dimmit, Young and Johnson of Dallas:

H. B. No. 185, A bill to be entitled

"An Act to apportion the State of Texas into congressional districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read second time.

Executive Session Set.

On motion of Senator Williamson, the Senate voted to go into executive session tomorrow morning at 11:55 o'clock.

Recess.

On motion of Senator Patton, the Senate, at 12:08 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock, p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Bill No. 185.

The question recurred upon the adoption of the Committee substitute for H. B. No. 185.

Senator Hardin moved to set the House Bill and the pending substitute as special order Tuesday morning immediately following the morning call.

Senator Greer moved to table the motion. The motion to table was lost by the following vote:

Yeas—11.

Gainer.	Poage.
Greer.	Purl.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Parr.	

Nays—12.

Berkeley.	Parrish.
DeBerry.	Patton.
Hardin.	Rawlings.
Moore.	Stevenson.
Neal.	Woodul.
Oneal.	Woodward.

Present—Not Voting.

Small.

Absent.

Beck.	Hopkins.
Cousins.	Russek.
Cunningham.	

Absent—Excused.

Holbrook.

Pollard.

The motion to set as special order prevailed.

Bills Signed.

The Chair, Lieut. Gov. Edgar E. Witt, gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bill:

S. B. 197.

Motion to Concur.

On the motion of Senator Purl, the Senate concurred in House amendments to S. B. No. 268 by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook.

Oneal.

On motion of Senator Woodul, the Senate concurred in House amendments to S. B. No. 222 by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Holbrook.

Oneal.

Motion to Set Special Order.

Senator Poage moved to set S. B. Nos. 452 and 453 as special order for Friday, April 17, immediately following the morning call.

Senator Oneal called for a division of the question.

Senator Oneal moved as a substitute for the motion to set S. B. 452 as special order that the bill be recommitted to the Committee on Senatorial Districts. The motion to recommit prevailed.

Senator Stevenson moved to table the motion to set S. B. No. 453 as special order. The motion to table was lost by the following vote:

Yeas—11.

Berkeley.	Rawlings.
DeBerry.	Stevenson.
Greer.	Thomason.
Hopkins.	Woodruff.
Oneal.	Woodul.
Patton.	

Nays—12.

Gainer.	Parr.
Hornsby.	Parrish.
Loy.	Poage.
Martin.	Purl.
Moore.	Small.
Neal.	Williamson.

Absent.

Beck.	Hardin.
Cousins.	Russek.
Cunningham.	Woodward.

Absent—Excused.

Holbrook.	Pollard.
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The motion to set S. B. No. 453 as special order prevailed by the following vote:

Yeas—17.

Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Hornsby.	Poage.
Loy.	Purl.
Martin.	Small.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	

Nays—5.

Berkeley.	Woodruff.
DeBerry.	Woodul.
Stevenson.	

Absent.

Beck.	Rawlings.
Cousins.	Russek.
Cunningham.	Woodward.
Hopkins.	

Absent—Excused.

Holbrook.	Pollard.
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House Bill No. 693.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Claunch:

H. B. No. 693, A bill to be entitled "An Act to make it unlawful to take or kill wild quail of any species for a period of five years in Borden County, Texas; fixing penalty, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. 693 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardni.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook.	Pollard.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Hardin.
Berkeley.	Hopkins.
Cousins.	Hornsby.
Cunningham.	Loy.
DeBerry.	Martin.
Gainer.	Moore.
Greer.	Neal.

Oneal.	Small.
Parr.	Stevenson.
Parrish.	Thomason.
Patton.	Williamson.
Poage.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.
Russek.	

Absent—Excused.

Holbrook. Pollard.

House Bill No. 53.

Senator Purl called up from the table:

H. B. No. 53, A bill to be entitled "An Act to regulate the presentation, allowance, approval, classification and payment of claims and liens against estates of deceased persons and to direct the manner of collection and foreclosure of such liens; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 53 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Pollard.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Greer.
Berkeley.	Hardin.
Cousins.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.

Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.
Rawlings.	

Absent—Excused.

Holbrook. Pollard.

House Bill No. 776.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 776, A bill to be entitled "An Act to fix the bag limit on quail and doves in Wood county; fixing the open season for killing quail and doves in said county; fixing the bag limit and open season for killing squirrel in said county; prohibiting hunting, taking or trapping in any way any fur-bearing animals in Wood County by transient or other persons who are not resident citizens of said county; prescribing penalties for the violation of any of the provisions of this act; repealing Chapter 190 of General and Special Laws of the Regular Session of the Forty-first Legislature, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 776 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardni.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Pollard.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Pollard.

House Bill No. 610.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Petsch:

H. B. No. 610, A bill to be entitled "An Act regulating the taking of fish in Dimmit, Zavala, Hamilton, Uvalde, DeWitt, Brown, Hamilton, Coryell, Gonzales, Lamar, Bell, Collin, Grayson, Gillespie, Kendall, Blanco, Llano, Mason, McCulloch, San Saba, Cooke, Denton, Menard, Kimble, Jefferson, Orange, Mitchell, Fisher, Nolan, Chambers, Travis, Hardin, Lampasas, Fannin, Burnet, and Williamson counties, permitting the taking or catching of suckers, buffalo, carp, shad or gar in any of the fresh waters in the above counties during the months of July, August, September and October with any seine or net of mesh of not less than one inch square; permitting the taking of suckers, buffalo, carp, shad or gar at any time of the year in any of the fresh waters in any of these counties by use of wire rope, grab hooks or gig, etc., and declaring an emergency."

The committee report was adopted.

Read second time.

Senator Hornsby sent up the following amendment:

Amend House Bill No. 610 by

striking out the words "grab-hooks" wherever it appears in the caption and in the body of said bill.

HORNSBY.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 610 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Pollard.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Pollard.

Motion to Concur.

Senator Woodul moved to concur in House amendments to S. B. No. 37. The motion prevailed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardni.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook.	Pollard.
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House Bill No. 846.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 846. A bill to be entitled "An Act permitting the taking or catching of catfish, drum, buffalo, suckers, carp, shad or gar in the fresh waters of Wood County during any month of the year except March and April with any seine or net with a mesh of not less than two inches square, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 846 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook.	Pollard.
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Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook.	Pollard.
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House Bill No. 866.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 866, A bill to be entitled "An Act making it unlawful for any person to take or catch any kind of fish in any of the waters in Hays County during the months of February, March and April of each year, fixing a penalty, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hopkins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 866 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Pollard.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Holbrook. Pollard.

H. J. R. No. 24.

Senator Cousins moved to lay H. J. R. No. 24 on the table subject to call. The motion prevailed.

House Bill No. 463.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Johnson of Dallas:

H. B. No. 463, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land tain records to be kept, etc., and deappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon, and declaring an emergency."

The committee report carrying an amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small the

constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 463 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardni.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Oneal.

Absent—Excused.

Holbrook. Pollard.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Hardin. Oneal.
Holbrook. Pollard.

House Bill No. 864.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 864, A bill to be entitled "An Act providing for the jurisdiction of the county court of Kimble county, conferring upon said court civil and criminal jurisdiction and increasing the civil and criminal jurisdiction of said court; conforming the jurisdiction of the district and jus-

tice courts of said county to such change; fixing the time of holding the terms of the county court; repealing all laws in conflict with this act, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 864 was put on third reading and final passage by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Hardin.	Oneal.
Holbrook.	Pollard.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Hardin.	Oneal.
Holbrook.	Pollard.

House Bill No. 258.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Anderson and Mr. Barron: H. B. No. 258, A bill to be entitled "An Act amending Article 7150, Section 1, of the Revised Civil Statutes of 1925, of the State of Texas, by adding thereto a provision exempting a dwelling place for the ministry of such church or religious society, and declaring an emergency."

The committee report, carrying amendment, was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 258 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Small.
Greer.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Neal.	

Nays—1.

Poage.

Absent.

Russek.

Absent—Excused.

Hardni.	Oneal.
Holbrook.	Pollard.

Read third time.

On motion of Senator Poage the bill was laid on the table subject to call.

House Joint Resolution No. 24.

Senator Parr called up from the table:

H. J. R. No. 24, Proposing to amend Section 13, Article 8, of the Constitution of the State of Texas, so as to provide for the right to redeem land sold at tax sale within two years from the date of the filing for record of the purchaser's deed for less than double the amount paid for the land, that is to say, upon payment with the first year of the redemption period of the amount of

money paid for the land including \$1.00 tax deed recording fee plus 25 per cent, and within the last year of the redemption period upon the payment of the amount of money paid for the land, including \$1.00 tax deed recording fee plus 50 per cent.

Read second time and passed to third reading.

House Bill No. 872.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 872, A bill to be entitled "An Act to levy and collect annually a three dollar and fifty cent road tax against all able-bodied male citizens of Burleson County, Texas, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax, and repealing all laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Gainer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 872 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Farrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Hardin.	Oneal.
Holbrook.	Pollard.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Parr.	Woodruff.
Parrish.	Woodul.
Patton.	Woodward.
Poage.	

Absent—Excused.

Hardin.	Oneal.
Holbrook.	Pollard.

House Bill No. 659.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hubbard, Mr. Caven and Mr. Holloway:

H. B. No. 659, A bill to be entitled "An Act to amend House bill No. 18, Third Called Session of the Forty-first Legislature, to provide for and regulate the method of taking and catching fish in the public fresh waters of Marion, Harrison and Rusk counties, State of Texas, permitting the use of seines, nets and fish traps, etc."

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 659 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Hardin.	Oneal.
Holbrook.	Pollard.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Absent—Excused.

Hardin.	Oneal.
Holbrook.	Pollard.

House Bill No. 686.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Beck and Mr. Patterson:
H. B. No. 686, A bill to be entitled "An Act to amend Article 3943, Revised Civil Statutes of 1925, providing for commissions that shall be paid to the county treasurer and providing for one deputy in certain counties and fixing compensation, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 686 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Nays—1.

Parrish.

Absent—Excused.

Hardin.	Oneal.
Holbrook.	Pollard.

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Poage.
Berkeley.	Purl.
Cousins.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Hopkins.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.
Patton.	

Nays—4.

Cunningham.	Hornsby.
DeBerry.	Parrish.

Absent—Excused.

Hardni.	Oneal.
Holbrook.	Pollard.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 9 by a vote of 102 yeas and 6 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Austin, Texas, April 9, 1931.
Hall of the House of Representatives,
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 337, A bill to be entitled "An Act declaring marginal wells; declaring it to constitute waste artificially to restrict the normal production therefrom; directing the Railroad Commission to promulgate rules and regulations to prevent such artificial restriction except in certain cases; providing for notices, hearings and reviews of such rules and orders; prohibiting the artificial restriction of such wells and providing for penalties; declaring each provision independent of each other provision, and declaring an emergency."

S. B. No. 371, A bill to be entitled "An Act providing for and directing the taxation of mineral rights in public school lands sold by the State with a mineral reservation against the owner while said lands are under lease by the owner of the soil as the State's agent, providing the means and manner thereof, and for back assessments and collections, and declaring an emergency."

(With amendments.)

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, president of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 334, A bill to be entitled "An Act to amend Article 7642 of the Revised Civil Statutes of 1925, which article relates to the qualifications of tax assessor and collector for water improvement districts, and declaring an emergency."

(with amendments.)

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 547.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Sanders, Mr. Hubbard, Mr. Petsch, Mr. Daniel and others:

H. B. No. 547, A bill to be entitled "An Act imposing a privilege tax on persons producing natural gas as defined in this act, including persons importing gasoline who sell the same in intrastate commerce within this State; providing a graduated scale and basis for said tax, and prescribing manner and time of payment thereof; providing for deduction for evaporation and loss; requiring certain records to be kept, etc., and declaring an emergency."

Read second time.

Motion to Set Special Order.

Senator Woodward moved to set S. B. No. 317 as special order for Monday afternoon at 2 o'clock.

On motion of Senator Moore, the previous question on the the motion was ordered.

The motion to set as special order prevailed by the following vote:

Yeas—20.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Purl.
Greer.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—6.

DeBerry.	Poage.
Gainer.	Thomason.
Loy.	Williamson.

Absent.

Martin.	Russek.
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Absent—Excused.

Hardin.	Pollard.
Holbrook.	

Motion to Concur.

Senator Woodward moved to concur in the House amendment to S. B. No. 371.

Senator DeBerry raised the point of order that this motion was not privileged during the consideration of a particular measure.

The Chair, Senator Woodul, overruled the point of order.

The motion to concur prevailed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin.	Pollard.
Holbrook.	

On motion of Senator Parr, the Senate concurred in the House

amendment to S. B. No. 334 by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin. Pollard.
Holbrook.

On motion of Senator Berkeley, the Senate concurred in the House amendment to S. B. No. 301, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin. Pollard.
Holbrook.

House Bill No. 547.

The question recurred upon the adoption of the committee substitute for H. B. No. 547.

Senator DeBerry moved the previous question. The previous question failed to be ordered by the following vote:

Yeas—11.

Beck.	Neal.
Cunningham.	Parrish.
DeBerry.	Purl.
Gainer.	Thomason.
Greer.	Williamson.
Loy.	

Nays—14.

Berkeley.	Poage.
Cousins.	Rawlings.
Hornsby.	Small.
Moore.	Stevenson.
Oneal.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Absent.

Hopkins. Russek.
Martin.

Absent—Excused.

Hardin. Pollard.
Holbrook.

Senator Stevenson moved to recess until 10 o'clock tomorrow morning.

Senator Woodruff moved to recess until 8 o'clock tonight.

The motion to recess until 10 o'clock tomorrow was lost by the following vote:

Yeas—10.

Cousins.	Small.
Parr.	Stevenson.
Parrish.	Williamson.
Patton.	Woodul.
Rawlings.	Woodward.

Nays—15.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Oneal.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Thomason.
Hornsby.	Woodruff.
Loy.	

Absent.

Hopkins. Russek.
Martin.

Absent—Excused.

Hardin. Pollard.
Holbrook.

The motion to recess until 8 o'clock tonight was lost by the following vote:

Yeas—3.

Neal.	Woodul.
Woodruff.	

Nays—22.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Poage.
Hornsby.	Purl.
Loy.	Rawlings.
Moore.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodward.

Absent.

Hopkins.	Russek.
Martin.	

Absent—Excused.

Hardin.	Pollard.
Holbrook.	

Senator Woodruff moved to recess until 9:30 o'clock tomorrow morning. The motion prevailed by the following vote:

Yeas—15.

Berkeley.	Rawlings.
Cousins.	Small.
Hornsby.	Stevenson.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.
Parrish.	

Nays—10.

Beck.	Loy.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Thomason.

Absent.

Hopkins.	Russek.
Martin.	

Absent—Excused.

Hardin.	Pollard.
Holbrook.	

At 5:46 o'clock p. m., the Senate recessed.

APPENDIX.

Petitions and Memorials.

(Telegram.)

Dallas, Texas, April 8, 1931.
Hon. Edgar E. Witt, Lieutenant Governor, Austin, Texas.
The Womans' Missionary Society M. E. Church, South, North Texas Conference, convened in annual session Dallas, Texas, protest the pro-

posed legislation to cut the appropriation per student capita in our public schools. Please read to Senate.

MRS. S. M. BLACK,
President.

MRS. W. A. JORDAN,
Secretary.

MRS. J. J. JOHNSON,
Superintendent Christian Social Relations.

(Telegram.)

Bryan, Texas, April 9, 1931.

The members of the Senate, care of Lieutenant Governor Edgar E. Witt.

Senate Chamber, Austin, Texas.

The members of the Fourth District of Womens' Clubs in convention assembled at Bryan, Texas, most respectfully reaffirm the action taken by the State Convention of Texas F. C. in Houston in November, 1930, and urge early consideration and enactment of S. J. R. No. 18. It is the only means by which the people of the rural districts can have access to good books. It is an enabling Act and does not mean additional taxation unless the people of the district vote for it and they should have the privilege of voting on the question.

Fourth District Federation of Women's Clubs, Mrs. J. W. Fincer, President.

Committee on Enrolled Bill.

Committee Room,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 578, carefully examined and compared and find same correctly enrolled.

GREER, Chaimran.

Committee Room,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 215 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 197

carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 241 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 229 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, April 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 787, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing bodies of such respective incorporated cities and towns to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory Board of Equalization, or where the City Council, City Commission or other governing body of such incorporated city or town have acted as a Board of Equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; making this Act applicable only to counties having a population of fourteen thousand five hundred eighty-eight (14,588) to fourteen thousand eight hundred (14,800) according to the last preceding United States census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

ONEAL, Chairman.

Committee Room,

Austin Texas, April 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 986, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, April 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 932, A bill to be entitled "An Act authorizing the county boards of certain counties to set aside an amount not to exceed Six Hundred (\$600.00) Dollars to defray the expenses of the County Superintendent and the County Board of Trustees in the administration of scholastic affairs, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, April 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 100, A bill to be entitled "An Act to qualify certain consolidated school districts to receive bonus for consolidation and transportation aid, authorizing and directing the State Board of Education to pay such bonus and aid out of the

Rural Aid Appropriation for the current biennium or any such funds as may be appropriated for the first year of the biennium 1931-33, providing saving clause and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, April 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 554, A bill to be entitled "An Act to amend Section 26, Chapter 274, Acts of the Regular Session of the 41st Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment.

STEVENSON, Chairman.

Amend Senate Bill No. 554, Section 1 by adding the following:

"Provided further that when membership becomes less than fifty per cent, the association will be dissolved automatically in event it fails to notify each member when assessment is made of the amount paid on the next preceding death claim."

Committee Room,

Austin, Texas, April 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 355, A bill to be entitled "An Act to amend Article 3914, Chapter 2, Title 61, Revised Civil Statutes, of Texas, 1925, relating to fees collected by the Secretary of State, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, April 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and drainage, to whom was referred

S. B. No. 586, A bill to be entitled "An Act: 1. To amend Section 14 of Chapter 280 of the 41st Legislature of Texas, Regular Session, and clarifying the intent of said Section 14, as the same would relate to Section 132 of Chapter 25, of the Acts of the 39th Legislature, Regular Session. 2. Defining certain terms used in this Act. 3. Expressing the reasons for the enactment hereof and designating the Statutory Acts to be amended and clarified thereby. 4. To be Section 126 of said Chapter 25 and providing procedures whereby the districts may exercise the right of eminent domain; Also providing for the organization of Tribunals of original jurisdiction (within the meaning and intent of Section 1 of Article II, and Section 1 of Article V. of the Constitution of Texas), prescribing the jurisdiction and powers thereof and the manner of procedure therein and thereby; Also, providing for appeals from such Tribunals to the District Court; Also prescribing the matters which may be considered on appeal and providing the procedure to be observed in the District Courts upon a hearing of such appeals. 5. prescribing the qualifications for the members of said Tribunal, and the manner of their selection and appointment by a District Court. And also providing the manner in which the members of said Tribunal shall qualify and be organized. 6. Prescribing the manner in which proceedings for condemnation may be initiated in said Tribunal; Also, fixing compensation to be paid to the members of said Tribunal. 7. Prescribing the procedures of said Tribunal for proceeding to a final decree of condemnation and fixing the manner and form in which such decree shall be rendered. 8. Prescribing the form for the Notice, or citation to be given concerning procedures before said Tribunal. 9. Providing for appearance of interested persons, either in person or by Attorney, for the presentation of their claims, together with evidence in argument and support thereof. 10. Providing that after such hearing said Tribunal shall proceed to enter their final decree of condemnation of property, either within or beyond the boundaries of the District, wherein they shall fix compensation for property to be condemned, award damages and costs. 11. Pro-

viding that the final decree of condemnation concerning the property in each County shall be filed with the County Clerk, and constituting said record notice of the contents of such decrees. 12. Providing the exact manner in which an appeal may be prosecuted to the District Court and specifying those matters concerning which an appeal may be prosecuted; Also, prescribing the exact manner in which the appeal may be effected and the manner in which the same shall be heard and determined by the District Court. 13. Providing for the manner in which awards of compensation and damages shall be secured to be paid, and further providing that no property may be taken under condemnation until compensation shall have been paid, or secured to be paid by a deposit as in this Act is provided. 14. Providing that a district shall have the right to proceed to condemnation under the provisions of Title 52 of the Revised Civil Statutes of Texas, 1925, or under the provisions of this Act; Also, providing that Counties, Navigation Districts, and Levee Districts of this State shall have the right to elect to proceed to condemnation under the provisions of this Act. 15. Stating the reasons constituting an emergency and declaring the same."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HORNSBY, Chairman.

By Woodruff.

S. B. No. 586.

A BILL
To Be Entitled

An Act: (1) To amend Section 14 of Chapter 280 of the Acts of the 41st Legislature of Texas, Regular Session, and clarifying the intent of said Section 14 as the same would relate to Section 132 of Chapter 25 of the Acts of the 39th Legislature, Regular Session. (2) Defining certain terms used in this Act. (3) Expressing reasons for the enactment hereof and designating the Statutory Acts to be amended and clarified hereby. (4) To be Section 126 of said Chapter 25 and providing procedures whereby the districts may exercise the right of eminent

domain: Also, providing for the organization of Tribunals of original jurisdiction (within the meaning and intent of Section 1 of Article II and Section 1 of Article V of the Constitution of Texas), prescribing the jurisdiction and powers thereof and the manner of procedure therein and thereby: Also providing for appeals from such Tribunals to the District Court: Also prescribing the matters which may be considered on appeal and providing the procedure to be observed in the District Courts upon a hearing of such appeals. (5) Prescribing the qualifications for the members of said Tribunal, and the manner of their selection and appointment by a District Court. And also providing the manner in which the members of said Tribunal shall qualify and be organized. (6) Prescribing the manner in which proceedings for condemnation may be initiated in said Tribunal: Also, fixing compensation to be paid to the members of said Tribunal. (7) Prescribing the procedures of said Tribunal for proceeding to a final decree of condemnation and fixing the manner and form in which such decree shall be rendered. (8) Prescribing the form for the Notice, or election, to be given concerning procedures before said Tribunal. (9) Providing for appearance of interested persons, either in person or by Attorney, for the presentation of their claims, together with evidence in argument and support thereof. (10) Providing that after such hearing said Tribunal shall proceed to enter their final decree of condemnation of property, either within or beyond the boundaries of the District, wherein they shall fix compensation for property to be condemned, award damages, and costs. (11). Providing that the final decree of condemnation concerning the property in such County shall be filed with the County Clerk, and constituting said record notice of the contents of such decree. (12) Providing the exact manner in which an appeal may be prosecuted to the District Court and specifying those matters concerning which an appeal may be prosecuted: Also, prescribing the exact manner in which the ap-

peal may be effected and the manner in which the same shall be heard and determined by the District court. (13) Providing for the manner in which awards of compensation and damages shall be secured to be paid, and further providing that no property may be taken under condemnation until compensation shall have been paid, or secured to be paid by a deposit as in this Act is provided. (14) Providing that a district shall have the right to elect to proceed to condemnation under the provisions of Title 52 of the Revised Civil Statutes of Texas (1925), or under the provisions of this Act: Also, providing that Counties, Navigation Districts, and Levee Districts of this State shall have the right to elect to proceed to condemnation under the provisions of this Act. (15) Stating the reasons constituting an emergency and declaring the same.

Be it enacted by the Legislature of the State of Texas:

Section 1. (Defining the meaning and intent of certain terms as used in this Act.) 1.—The words "Chapter 25" shall be understood to designate Chapter 25 of the General Laws enacted by the 39th Legislature of Texas, Regular Session: 2—"Chapter 280" shall be understood to designate Chapter 280 of the General Laws enacted by the 41st Legislature of Texas, Regular Session: 3.—The word "person" shall be understood to include persons, co-partnerships, associations, corporations, governmental agencies or bodies politic, and shall be held to include both the singular and the plural: 4.—The word "district" shall designate a water control and improvement district: 5.—Where reference is made to any specific statutory provision, unless otherwise specifically provided herein, it shall be intended to refer to the same as it now is and as well to include any future amendments thereof: 6.—The words "this Act" or "said Act," where not otherwise specified, shall be understood to mean said Chapter 25, and, or, any amendment thereof, and especially to include said Chapter 280, and, or, the provisions of this Act: 7.—The word "property" as used in this Act shall be understood to mean property real, personal or mixed and shall include land; interests, of every character,

therein; improvements thereon; all other property situated upon or attached to land and, as well, any right involving the use of, or any easement upon, land: 8.—The word "Tribunal" shall be understood to mean a tribunal to have original jurisdiction of proceedings for condemnation hereunder, and to exercise judicial functions within the meaning and intent of Section 1 of Article II and Section 1 of Article V of the Constitution of Texas.

Sec. 2. (Expressing The Reasons For the Enactment Hereof and Designating the Statutory Acts to be Amended Hereby) (a) Section 140 of Chapter 280 purporting to amend and consolidate Sections 126 and 132 of Chapter 25, and did provide in lieu thereof a new Section 132, which probably would have the effect to repeal the original Section 126 (providing the procedure for the exercise of the right of eminent domain by water control and improvement districts) and Section 132 (providing for fixing taxes upon a basis of specific benefits by a district), both of Chapter 25. (b) A recent decision by the Supreme Court of Texas has declared the most material provisions of Section 14 of Chapter 280 to be void as constituting a legislative attempt to invade the province of the judicial department of the State's government by conferring judicial functions on an administrative body in contravention of Section 1 of Article II of the Constitution of Texas: The effect of said decision is to render uncertain the means by which a District may assess taxes on a basis of specific benefits; and, will deny to Districts the right to exercise the more practical, economical and equitable procedure for condemnation, intended by the Legislature to be conferred by said Section 14: Wherefore, said Section 14 of Chapter 280 hereby is repealed, and in lieu thereof it is provided as follows, viz:

(a) Original Section 132 of Chapter 25 of the Acts of the 39th Legislature, Regular Session, hereby is established not to have been repealed by the enactment of said Section 14 of said Chapter 280 (said Section 14 having been declared invalid), but instead thereof the said original Section 132 shall be held to have been in and shall be, in full force and effect.

(b) Section 14 of Chapter 280 hereby is expressly repealed and in lieu thereof, there shall be provided as is set forth in Section 3 of this Act.

Sec. 3. (To be Section 126 of Chapter 25, and Providing Elective Procedures whereby a District may Exercise the Right of Eminent Domain: Also, Providing For the Organization of Tribunals of Primary Jurisdiction (within the meaning and intent of Section 1 of Article II and Section 1 of Article V of The Constitution of Texas), Prescribing The Jurisdiction Thereof and Providing for Appeals to District Courts from the Findings and Decrees of Such Tribunals of Primary Jurisdiction: Also, Prescribing the Matters which may be Considered on Appeal and Providing the Procedure to be Observed in the District Courts Upon the hearing of such Appeals):

Sec. 126. For the purpose of condemning property (as herein defined), all districts now operating, or hereafter to be operating, as water control and improvement districts, shall have the right to proceed as hereinafter provided for, viz:

(a) The board of directors of the district shall have the right to elect to proceed for condemnation under the provisions of Title 52, Eminent Domain, of the Revised Civil Statutes of Texas, Code of the year 1925, and as therein provided for condemnation by counties, save as otherwise specifically is provided by this Act; Or, if such board of directors by their order for condemnation so elect, the district shall have the right to proceed for condemnation in the manner hereinafter provided, viz:

(b) At anytime, or separate times, after a district has adopted a plan for improvements, so that it may definitely be determined what property should be acquired in fee simple, or placed under easement, as being, either instantly or prospectively, needed for, or incident to, or helpful for, accomplishing the objects of the district, and to effect the efficient and economical operation thereof, the directors of the district may cause to be presented to the judge of any district court for a judicial district in which any part of the district may be located, either in term time or in time of vacation, a petition praying

the court to appoint a tribunal of three men who collectively shall constitute a tribunal to exercise judicial functions within the limits of this Act. This petition shall be docketed as provided for causes and the order thereon shall be entered in the minutes of the Court. In said petition the directors shall nominate for appointment three men of lawful age who shall have qualifications as follows: All shall be qualified electors of this State: One shall be a lawyer deemed to be learned in the law of eminent domain, and the exercise of rights thereunder: Two shall be men deemed to have good knowledge of the value and uses of lands, injuries to lands, and benefits to lands to be affected by the proposed condemnation: All shall be disinterested men, of good moral character: No one of them may knowingly be related within the third degree, of consanguinity or affinity, to any member of the nominating board, or the judge having jurisdiction, or to any person known to be asserting title to, or an interest in, any property proposed to be condemned.

(c) If the district judge having jurisdiction be disqualified because of interest, or if he from any cause be absent from his district or does not act, the said petition may be presented to a judge for any judicial district lying adjacent to the district of the original presentation. Said petition shall be sufficient if it states that necessity for condemnation by the district has arisen and gives the name of the county or counties in which the property to be condemned is situated. Said petition shall contain the name and address of each person known to have title to or an interest in any property proposed for condemnation: If no address is known, and could not be ascertained by the use of reasonable diligence, the petition shall so state. Notice of the hearing on said petition shall be as follows: The notice shall be written or printed and shall give advice of the time place and object of the hearing on said petition, and shall state that all interested persons will be heard to make objection to any person by said petition nominated for appointment. The district judge having jurisdiction shall set said petition down for hearing for a time not less than ten days nor more

than fifteen days after the day of the presentation of said petition, and shall cause the clerk of his court, not less than five days prior to the day set for the hearing of said petition, to send to each owner whose name and address is given in the petition, by registered mail, a copy of the notice hereinbefore provided for; and, in addition thereto there shall be citation by publication by publishing said notice in one or more newspapers having general circulation in the area to be affected by the condemnation proposed, which publication shall be circulated one time on a day not less than five days prior to the day set for the hearing of said petition, and such publication shall be given the effect of actual service on all interested persons, whether known or unknown, and whether named or not named in said petition. At the time and place fixed by the district judge for the hearing of the petition, and after hearing protest by all interested persons, the judge, for good cause shown, may refuse to appoint any or all of those persons nominated in the petition and, in lieu thereof, he may appoint other persons deemed by him actually to be qualified under the provisions of this Act: If good cause for refusal is not established the judge shall appoint the persons nominated in the petition: Whereupon said proceeding shall be terminated, and no appeal from the action of the court can be maintained: The costs of procedure hereunder shall be paid by the district proposing condemnation. In case any member of the tribunal so constituted does, from any cause fail or refuse to act, or become disqualified to act, he by petition to the court of jurisdiction may be removed and a qualified substitute nominated and appointed to serve in his place after observing the same procedure as hereby is provided for an original appointment, except that; citation by publication shall not in such instance be required; the written notice shall be instantly deposited in the mail; and, the hearing may be held on the third day after notice is deposited in the mail, or as soon thereafter as the court may be able to act on the petition. In case of disqualification of some member of the tribunal for condemnation to act as to some parcel of property because of interest or

relationship, a substitute may be appointed to serve only in the matter as to which the disqualification exists, provided, however, that in such case notice shall be given only to the person interested in the property to which the disqualification is related.

(d) Within ten days after such appointment, or as soon thereafter as is practicable, each person so appointed shall file with the Secretary of the condemning district a written oath to be substantially as follows: "I swear (or affirm) that I, as a member of the tribunal to hear and determine matters incident to the condemnation proceedings instituted by (insert name of the district) will fairly, impartially, and without interest prejudice or favor, discharge my duties as a member of the tribunal appointed by the Judge of the District Court for the _____ District of Texas." So qualified, they collectively shall be established to be a judicial tribunal within the meaning and intent of Section 1 of Article V of the Constitution of Texas, and they shall have all such duties and powers for procedure and for effecting the administration of justice (insofar as is appropriate to accomplish the purpose of this Section 126) as now are, or as hereafter may be, conferred on county courts and the judges thereof.

(e) The lawyer member of said tribunal shall be their adviser as to matters of law. The words "they" as hereinafter used, unless otherwise stated, will be understood to refer to the "Tribunal For Condemnation." They may organize for the dispatch of business as they deem best, save that two members shall be required for a quorum and no matter may be described save by the concurrence of at least two members. The proceedings shall be as free from technicality, and as summary in character as will in fact accomplish substantial justice. The clerk of the district shall furnish them the service of a competent person to serve them as clerk, and orderly minutes of their proceedings shall be kept; such minutes shall be signed by all participating members, and shall be a public record. The Tribunal shall have a seal bearing the name of the District and the words "Tribunal For Condemnation."

(f) (Prescribing The Conditions Under Which and the Manner By

which The District May, From Time to Time, Present to The Tribunal Petitions For Condemnation and Fixing The Requisites of Such Petitions): At any time or times after the adoption and approval of plans for improvements (or for the enlargement, extension or alternation thereof), as required by subdivision (b) of this Section, the board of directors of the district may order the condemnation of any land or other property, and therein may elect to condemn the fee simple title to land, or to condemn an easement only: It further is intended that part of any given tract of land may be condemned in fee simple, and part placed under an easement only. The order of condemnation shall be recorded in the minutes, and it shall be sufficient if it within itself or by reference to exhibits, which may be maps or plats, makes certain that land to be placed under condemnation in fee simple, that land to be placed under an easement, and, in appropriate case to identify any other property which is required to be taken; provided, however, that when by the exercise of reasonable diligence, the name and address of any owner or owners of each separate tract of land, can be given, the same shall be stated and appropriated related to the property as to which the ownership exists; Said order shall contain a general statement showing the necessity for the taking, but no such order shall be held invalid because of fault in such statement: It further is provided that any such order may be amended in any and every particular, at any time during the further proceedings herein established, provided only that any person affected by such amendment, or his agent or attorney, must be given actual notice of such amendment before any action is taken thereunder: Said order for condemnation and all exhibits thereto shall be prepaid in duplicate, and one such shall be delivered to the clerk of the Tribunal for Condemnation, and by him filed as a record of said Tribunal, where the same shall constitute a petition for condemnation.

(g) The secretary of the board of directors shall serve the Tribunal as a secretary, or said secretary, subject to approval by the Tribunal, may appoint another well qualified person to serve as a secretary, and the per-

son so acting shall attest all records and reports as "Secretary:" The person appointed so to serve shall take and subscribe an oath that he will keep and preserve a true written record of all material proceedings, findings, appraisments and assessments concerning the duties of said Tribunal: Such secretary shall furnish to said Tribunal such information and assistance as may be within his power and necessary to the performance of its duties.

(h) Said Tribunal shall have jurisdiction and the power to do and to decree all those matters and things by this Act provided to be done by said Tribunal.

(i) Within thirty days after qualifying and organizing as hereby directed, the Tribunal shall begin the discharge of its duties, and may at all times require the presence and necessary assistance of the district's engineers and attorneys, to the end that it may be able intelligently to perform its duties.

(j) Said Tribunal shall proceed to view all the lands, or other property, both public and private, both inside the district and beyond the boundaries of the district, which may have been ordered to be condemned. The findings of the board of directors of the district, after advice by the district's engineers, as to the seeming necessity, or advisability, to acquire any such property or part thereof in fee, or alternately under an easement, for any purpose connected with or incident to, the full completion and practical operation of the improvements contemplated to be, instantly or ultimately, provided under the district's plans for improvements, shall be final and not subject to judicial review save for fraud, palpable error or such arbitrary act as would constitute actual fraud; provided, however, that the directors shall receive, hear and determine protests or recommendations relating thereto, as is provided in Section 42 of said Chapter 25: Such determination shall be made by the directors before the Tribunal proceeds to viewing property as herein provided, and the specific identifying conclusions of the directors shall be furnished to the Tribunal: This record shall be accompanied by a designation of all property, or easements, or agreements for liquidated damage, which have been placed under voluntary

option to, or adjustment with, the district: The Tribunal shall omit consideration of any matter already so adjusted. Said Tribunal shall appraise and assess the values of all affected lands, easements or property rights within and without the district, and shall specifically appraise and assess the damages justly to compensate and liquidate all injuries to be done to each item of property affected. In assessing the value of property sought to be condemned, damages and compensating benefits, said Tribunal shall be governed by the provisions of Article 3265 of the Revised Civil Statutes of Texas: All provisions of Title 52 of the Revised Civil Statutes of Texas, shall control condemnation proceedings hereunder as to all matters not herein otherwise provided for, but the specific provisions, and intent, hereof shall control in all cases of doubt. It is provided, however, that the directors of a district may by their order entered of record elect to waive the provisions of this Section, insofar as the same relate to procedure for condemnations, and in such event the procedure for condemnation may be the same as that prescribed for counties as the same is provided in Title 52 of the Revised Civil Statutes of Texas.

If said Tribunal shall omit to return or assess damages to any specific parcel of property, either within or without the district, it shall be deemed an affirmative finding that no damage will be done to the omitted parcel of property.

The Tribunal shall prepare a specific and detailed proposed report of their findings, which shall show the owner of each parcel of property examined, and on, or concerning which, any appraisements, award, finding, or assessment is made, together with such description of such property as will identify it and relate it to the appropriate appraisal, award, finding or assessment: This record shall separate and distinguish: (1) the value of the property to be taken by the district in fee simple; (2) the amount of compensation for an easement to be taken by the district; (3) the amount required to precompensate and justly to liquidate the injury or damage to be done to property not being condemned and taken in fee simple or

placed under an easement; (4) such record shall, in an appropriate case, specify the parts of a parcel of property falling within more than one of the classifications herein given and shall allocate to each portion its appropriate classified assessments.

The record herein specified shall be prepared in triplicate and shall be approved and signed by at least two members of the Court hereby constituted:

The proposed report shall show the number of days each member has actually served and the actual expenses necessarily incurred by each inserving the district; each be paid by the district reasonable fees and in no event to exceed twenty-five (\$25.00) dollars per day of service, together with his actual expense as the same may be approved. Said Tribunal in its proposed report shall fix times and places when and where they shall hear objections to their findings as reported: In fixing a place, or places, for hearing objections, the Tribunal shall have regard to the prevailing convenience of the property owners.

(k) When the proposed decree shall have been delivered to the secretary of the board of directors of the district, the same shall become a permanent record of the district, and shall be open to examination by all persons interested therein. Upon the filing of such report the secretary of the district shall forthwith give notice thereof by publication in one or more newspapers given general circulation in the district and in each of the counties in which there may be located any affected property, once a week for two consecutive weeks prior to the day fixed for a hearing, or hearings. It is provided that each hearing as to land situated in any given County shall be held in the County of the location of the land proposed to be condemned, and in such part of said County as will be most convenient to the majority of the land owners: One notice may specify a hearing day and place for one county only, and there may be notice for different days and places of hearing for other counties; the first publication must appear not less than fourteen days prior to the hearing. The published notice shall be in substantially the following form:

Legal Notice.

To the owners of, and all other persons having an interest in lands or other property lying in _____ County, Texas: Take notice that a copy of the adopted plans for improvements by _____ County Water Control and Improvement District Number _____, are now open to inspection by any one interested therein at the districts office at _____, Texas: These plans, contour maps and specifications will make manifest how your property will be affected. The Tribunal heretofore appointed have appraised and assessed property values, and benefits and damages accruing to the affected lands, and other property, both within and without this district, which will be condemned and taken, or subjected to an easement, or damaged, or otherwise affected by carrying out the plans for improvements to be provided by this district. The recorded report of said Tribunal is open to inspection by any interested person at _____, in _____, Texas: Any interested person may make specific written objection thereto in whole or in part, and any person claiming damage to their property, within or without the district, as to which no damages have been assessed in said report are required to file an itemized claim for such damages in the district office on or before the _____ day of _____, and all persons failing to make such objection or claim for damages will be deemed to have waived the same: Further, take notice that the said Tribunal of appraisalment will meet on the _____ day of _____, at _____, Texas, for the purpose of hearing and acting on objections to their proposed decree, and to hear, consider and determine claims for compensation and damages.

Secretary.

The secretary of the board of directors of the district also shall, at least ten days prior to the day for any given hearing, mail a written notice to each person whose land, or other property, is listed in the proposed report of the Tribunal, if the post office address is known, stating the time and place of the meeting which such person is expected to attend, which notice shall state appropriately and in substance that

the report of the Tribunal to assess burdens upon, values of, benefits to, and damages to, the lands and other property which will be affected by the district's plans for improvements, has been filed in the district's office, giving the location thereof, and that the advised persons may examine the same together with the district's plans, contour maps and specifications, and make and file written specific objections to all or any part of such report; further, that the Tribunal will on the day and at the place named for the purpose of hearing the notified person and acting on objections to such reports: In lieu of mailing notice as herein provided, personal notice may be executed and return made under oath, by any person appointed thereto by the secretary of the district, in the same manner and upon the same persons, officers or agents as is, or may be, provided for service of citations in suits pending in the district courts of Texas.

The secretary of the district upon the first day of the hearing shall file in the district's office the original notice as published with his affidavit thereto, showing the manner of publication, the days on which, and the newspaper, or newspapers in which such notice was published, and shall also certify the names and addresses of all persons to whom notices have been mailed, or upon whom actual service may have been had, further, he shall affirmatively show that he has caused personal service to be executed, or has mailed to, or served upon, timely notice to each land owner whose address was known or could be known by the exercise or reasonable diligence.

(1) At, or before, the hearing upon the field report of the Tribunal of appraisalment, any owner of land, or other property affected by such report, or by the district's plans for improvements, either in person, or by an attorney or other agent, may file exceptions to all or any part of such report, and any person as to whose property no damages have been assessed, and who believes that his land, or other property, will be damaged by carrying out the plans of improvements, may, and shall, also file with the district a claim for such damages:

Said Tribunal, at the time and place named in such notice, shall proceed to hear evidence and deter-

mine all such objections and claims for damages, and shall make such changes and modifications from time to time as will cause its proposed decree to conform to the justice of each case under the facts presented; they may grant, in whole or in part, or may overrule, any claim for compensation or damage, or any other exceptions to their proposed report. Such hearing may be recessed from one day or place to other days and places, to be announced in open meeting, until all persons desiring a hearing have been heard.

When said Tribunal shall have finally determined all presented matters, concerning their proposed report, they shall enter their final decree concerning such proposed report insofar as it is confirmed, and approving and confirming the same as modified or changed, insofar as the same has been modified and changed, and shall in their decree condemn all such land, easements, rights of way, or other property, within or without the district, as shall have been deemed by the directors of district to be needed, and designated to make effectual and practicable the construction and operation of all works, improvements and services which may be planned ultimately to be provided by the district, and to accomplish any or all of the purposes designated in this Act: Said Tribunal shall have the power to apportion and adjudge costs incurred upon any hearing in such manner allocation as may be deemed equitable. Such condemnation shall be either of the fee simple title, or of an easement only, as the directors of the district may have elected and designated. The Tribunal shall adjudge and award all compensation for property to be taken, or placed under easement, and shall award all damages, if any there be allowed under the law.

A certified copy of the final decree of condemnation concerning the property in each county shall be filed with the county clerk of such county for record, and such record shall be notice to all persons of the contents of such decree; The original decree shall be a permanent record of the district and shall also constitute notice. The final decree of said Tribunal concerning any matter shall be subject to appeal, or judicial review, in the manner hereby specified, and not otherwise: Such appeal,

or review, may be effected in the following specific manner:

The directors of the district, in the name and behalf of the district, or any person having an interest in the decree of the appraisers, may appeal from the decree assessing or refusing to assess damages, or fixing compensation for the value of property taken or subjected to an easement; the only questions which may be considered on appeal shall be, whether just compensation has been allowed, or whether any damages are lawfully recoverable. Such appeals shall be taken to the District Court having jurisdiction over the area in which the land condemned is situated, either in whole or in part: The Courts of jurisdiction shall be such number as are required to provide appeals in the jurisdiction within which any given land is situated: All appeals for each given County, shall, however, constitute one preceding on the Docket of any such Court, as elsewhere is provided in this Act: Such District Courts shall have jurisdiction regardless of the amount or the number of the separate claims involved. Such appeal may be perfected as follows: Notice of appeal shall be given at any time within two days after the entry of the final decree by the Tribunal of primary jurisdiction by filing written notice of an appeal, which shall be a simple statement that the undersigned gives notice of appeal from the decree entered on the date stated, and specifying the exact claims sought to be established by such appeal. This notice shall be filed with the secretary of the district, and appellant shall within five days after the entry of the decree appealed from file with the clerk of the court to which the appeal is being prosecuted an appeal bond with two or more good and sufficient sureties in an amount double the costs, if any, already allocated to appellant, plus double the amount estimated by such clerk to be incurred on the appeal being taken: Such bond shall be payable to such clerk of the court to which the appeal is being prosecuted and shall be subject to his approval as to sufficiency: The condition of such bond shall be that appellant will prosecute his appeal with effect, and pay all such costs as may be awarded against appellant by the court. Unless an appeal is perfected, as herein

provided, within seven days after the day of the rendition of the final decree of said Tribunal, such decree, as to any given matter not so appealed from, shall be instantly final and conclusive, and there shall be no extension of time for the filing of an appeal bond: Within twelve days after the entry of said final decree of condemnation, if appeal shall have been prosecuted therefrom, the secretary of the district shall file with the clerk of such court a certified transcript of the final decree of condemnation, insofar as may be required to show the facts concerning the items of decision appealed from, together with the original notices of appeal, or a certificate showing the names and addresses of all persons who gave notice of appeal, and to include the stated grounds upon which each of such appeals has been predicated, as herein provided, and it shall not be necessary to file any other or additional pleadings in said court. All appeals hereunder shall constitute one cause in the district court and shall be so docketed. The docket shall, however, recite the name of each of the parties to the proceeding and shall be indexed accordingly. The court, upon motion, may grant, or refuse to grant, a severance as to any separate claim arising out of distinction as to ownership. It is provided that an appealing district shall not be required to give a bond for cost. Upon the filing of said appeal the court shall set the same down for a hearing, either in term time, or in vacation, before the court without the intervention of a jury. Notice of such hearing shall be given by the clerk of the court by mailing to each interested party, whose address is known, by registered mail, a letter giving advice of the date and purpose of the hearing, which shall be deemed sufficient notice: As to persons not actually served, or whose interest, or address is not known, the original publication of notice of the hearing by the district's Tribunal shall be deemed sufficient notice of all proceedings in the county court. Such hearings shall be held at a time not less than ten days, and not later than twenty days after the day of mailing of the notices herein directed to be given. An incomplete hearing may be recessed from one day to any other stated day, or may

be continued to the next term, or succeeding terms, of the court. Such hearings shall be by the court given precedence over all civil causes upon the docket not of a character involving the public welfare, shall be concluded with all reasonable dispatch, and shall be as summary in character as is consistent with the doing of full and complete justice.

The court shall proceed to hear evidence proper to be considered under any filed exception. After having heard all evidence and argument offered, the court in term time shall enter its final decree, either approving the decree of the Tribunal of original jurisdiction, modifying the same, or in any manner changing the same, so that the decree will in the court's judgment conform to the justice of each specific case. As to all matters not herein specifically, or by logical intent, provided for, the court's decree shall conform to the provisions of Title 52 of the Revised Civil Statutes of Texas.

Upon such appeals the claimant shall be considered the plaintiff and the district shall be considered the defendant, save in those cases in which the district has filed exceptions to the report of the district's referees of appraisement. The admission of evidence and the fixing of awards, so far as applicable and not inconsistent herewith, shall be governed by the law and rules of procedure relating to trials and awards in damage suits. Appeals may be taken from the judgment of the district court, as in civil cases, and each appeal shall constitute a separate cause upon the docket of the court of civil appeals.

No appeal from the decree of the Tribunal to condemn shall delay possession of the condemned property or prosecution of the work, provided, however, the district shall set apart in its designated depository, out of its construction fund, a total sum of money to be not less than double the amount of the total award made by the Tribunal of Condemnation, plus such additional sum as may be deemed by the Directors of the District sufficient to pay the costs then incurred, and such costs as may be incurred upon appeal and said fund must be applied to such payment, and shall not be used for any other purpose. Certificate of such reserve shall be made by the depository

bank to the clerk of the court in which appeals may be pending: The judge of said court, upon motion made by any aggrieved appellant, may, in case of evident abuse of discretion by the directors of the district, require the directors of the district to increase this reserve fund to a sum deemed by the judge to be adequate to discharge final awards, which must be complied with before the district shall be authorized to take possession of any property condemned, or to cause damage to any property: In case of appeals by the district, they shall not be required to give bond, nor can they be required to give bond for costs. However, upon compliance herewith the title to all lands, easements, right of ways, or other property condemned shall, after payment, or provision for payment, or compensation, vest in the district, and it shall be entitled to immediate possession thereof.

No person owning or having any interest in any property affected by the district's plans for improvements and service, or its condemnation proceedings had after the giving of notice as herein provided, who has failed to file claim, or objection, or who has failed to appeal from any adverse ruling by the Tribunal to condemn on any claim or objections, as herein provided, shall thereafter be heard to claim from the district, its officers, contractors, agents or employees, any compensation for property or damage to property other than that which may have been already awarded by the Tribunal: It is, however, understood that this provision shall not apply to claims not incidents of lawful condemnation, construction and operation.

(m) It is specifically provided that nothing in this Section contained shall empower a district to condemn any land, property, easement or facility owned, held or used by another person, when such property is necessary to such person for the purpose of accomplishing any one or more of the purposes in this Act, save and except in such cases as the taking is to serve a public need superior to, or greater than, the use to which any such property may have been devoted.

(n) Any county, levee district, or navigation district of this State may elect to proceed to condemnation under the provisions of, and in the manner established by, this Act, having regard only to causing such proceedings to conform to the law of the being of any such governmental agency.

Sec. 4. The fact that various procedures of districts operating under the provisions of this Act are in a state of uncertainty as to their powers and rights for procedures is delaying the development of the water resources of this State, which should not longer exist.

Wherefore the Legislature hereby declares an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same hereby is, suspended, and this Act shall be in full force on and after that day on which there shall appear affixed hereto the certificates of final passage by the Speaker of the House of representatives and the Presiding Officer of the Senate, subject only to the constitutional right of the Governor to veto this Act: If there be no such veto the effective day shall be that day hereinabove fixed.

SPECIAL ORDERS PENDING.

(Ordered printed in the Senate Journal on motion of Senator Purl.)

Bill	Day	Time
S. B. 180	April 10 (Friday)	After morning call.
S. B. 317	April 13 (Monday)	2 p. m.
H. B. 185	April 14 (Tuesday).	After morning call.
S. B. 453	April 17 (Friday)	After morning call.

In Memory
of
Hon. Nicholas Longworth

SIMPLE RESOLUTION NO. 101.

Senator Williamson sent up the following resolution:

WHEREAS, it has pleased Divine Providence to call from this life the Hon. Nicholas Longworth, Speaker of the House of Representatives of the United States; therefore, be it

RESOLVED, by the Senate of the State of Texas that in the passing of this distinguished American, our country has suffered an irreparable loss. His long record of service in Congress of the United States which has always been characterized by broad and patriotic purposes, justly entitles him to a high place on the roll of honor of eminent American Statesmen. His generous and courteous nature has endeared him to countless thousands of his fellow citizens who, without regard to political creed, feel a sense of personal loss in his untimely passing.

BE IT FURTHER RESOLVED that when the Senate adjourns on this date that it be out of respect to the memory of the Hon. Nicholas Longworth, and that this resolution be printed in the Journal on a page set aside for this purpose; and a copy mailed to the family of the deceased.

Williamson, DeBerry, Holbrook, Parr, Russek, Beck, Gainer, Hornsby, Parrish, Small, Berkeley, Greer, Loy, Patton, Stevenson, Cousins, Martin, Poage, Thomason, Moore, Pollard, Woodruff, Cunningham, Hardin, Neal, Purl, Woodul, Hopkins, Oneal, Rawlings, Woodward.

Read and adopted unanimously by a rising vote.